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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,209	08/03/2001	John David West Brothers	9339/34809	7950

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EXAMINER

HOSSAIN, TANIM M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/922,209

Applicant(s)

BROTHERS, JOHN DAVID WEST

Examiner

Tanim Hossain

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 10-31 and 39-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-60 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, 10-16, and 47-56, drawn to the generation and use of a secure URL, classified in class 709, subclass 245.
- II. Claims 17-20 and 57-60, drawn to the determination of access rights, classified in class 709, subclass 229.
- III. Claims 21-31 and 39-46, drawn to the permissibility of access, based on an IP address, classified in class 726, subclass 2.
- IV. Claims 9 and 32-38, drawn to authentication, classified in class 713, subclass 168.

Inventions I, II, II, and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility, such as the generation and subsequent use of a secure URL may be performed separately from the other inventions. This constitutes the transference of address data between computers, ensuring that associated data is transferred between said computers. Invention II implements a controlling, or limiting of computer access to resources located on the network, which is constituted by the determination of access rights. This teaching may be implemented separately. Invention III is directed to the prevention of

unauthorized access to resources of a system including the manner of identifying and verifying the entity, process, or mechanism requesting access to the resource, which also has separate utility, specifically implemented by the permissibility of certain IP addresses. Invention IV relates to the separate providing of an indication of a genuine transmission or reception of information or related entity, specifically implemented by a login/verification procedure.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with the attorney of record on September 27, 2005 a provisional election was made with traverse to prosecute the invention of IV, claims 9, 32-38. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-8, 10-31, and 39-60 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9 and 32-36 rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (U.S. 6,529,956), hereinafter referred to as “Smith”.

As per claim 9, Smith teaches a method comprising the steps of: receiving a signal requesting a web page document from a web access device, the signal including an IP address of the WAD (column 16, lines 15-25); retrieving data for the web page document including a URL of a document referenced in the web page document (2; 25-40); retrieving resource access right data for the URL using the IP address of the WAD and/or user name and password established through a login procedure (11; 62-65, 13; 60-65, 15; 57-62, 16; 15-25); generating hash and/or encrypted data to generate secure resource access right data (5; 40-60); combining the secure resource access right data with the respective URL to generate a secure URL (2; 25-40, 11; 39-54); generating the web page document including the secure URL that can be used to generate a request for the document (2; 25-40, 16; 35-59); and transmitting the web page document including the secure URL to the WAD (11; 39-54, 2; 25-40).

As per claim 32, Smith teaches a method comprising the steps of: receiving a signal requesting access to a resource, the request signal including a URL, secured resource access right

data, and an IP address of a device requesting access to the resource, and hash data, wherein the request signal was generated from a web page containing a secure URL combining the hash data, URL, and secured resource access right data (13; 33-46, 15; 30-40); verifying whether key data is valid based on data corresponding to the key data in a secure content key database (13; 60-65); if the key data is verified as valid in step (b), generating hash data based on at least the IP address, URL, and the key data (15; 57-62, 16; 15-25); and verifying that the hash data generated matches the hash data included in the request signal received (15; 30-40).

As per claim 33, Smith teaches the method as claimed in claim 32, further comprising the steps of: terminating the request signal if the verifying of the step (d) indicates that the hash data generated in the step (c) does not match the hash data included in the request signal received in the step (a) (13; 60-65).

As per claim 34, Smith teaches the method as claimed in claim 33, further comprising the steps of: determining whether access to a resource is to be provided to a device identified by the IP address, based on the resource access right data included in the request signal (15; 57-62, 16; 15-25); and providing access to the resource to a device identified by the IP address if the determining of the step (f) indicates that access to the resource is to be provided (15; 57-62, 16; 15-25).

As per claim 35, Smith teaches the method as claimed in claim 34, further comprising the steps of: retrieving resource access right data from a database, the determining of step (f) based further on whether the IP address of the request signal is authorized to access the resource indicated by the URL of the request signal, based on the retrieved resource access right data (13; 60-65).

As per claim 36, Smith teaches the method as claimed in claim 32, wherein the request signal received in step (a) includes key index data, the method further comprising the step of: retrieving the key data from the secure content key database using key index data (13; 32-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

As per claims 37 and 38, Smith teaches the method as claimed in claim 32, but does not specifically teach time-to-live considerations in dealing with the validity of key data. Official notice is taken that the consideration of time-based data in creating and using keys is well known in the art of key generation and manipulation (Please see paragraph 373 of U.S. 2004/0170176, as an example). It would have been obvious to one of ordinary skill in the art at the time of the invention to include time-to-live considerations in the system of Smith, to allow for situations where sessions may be timed out, so that security is maintained.

Response to Arguments

Applicant's arguments filed on July 15, 2005 have fully been considered and are respectfully traversed by the new grounds of rejection, as set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571/272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tanim Hossain
Patent Examiner
Art Unit 2145


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER